

SENATE BILL 1292

By Woodson

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following as a new, appropriately designated section:

49-5-____. In the event an employee of a local school system or board of education transfers to another local school system or board of education within the state, the former system or board shall transfer all components of such employee's personnel file to the hiring system or board of education.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following as a new, appropriately designated section:

49-5-____. All teachers and all persons applying for any other position requiring proximity to school children shall receive vertis training that shall include information and instruction regarding appropriate touch, privacy issues and other relevant regulations.

SECTION 3. Tennessee Code Annotated, Section 49-5-403, is amended by adding the following as a new, appropriately designated subsection:

(e) The commissioner or the state board of education shall not tender a license to any applicant unless such applicant agrees to:

(1) Agree to the release of all investigative records to the board for examination for the purpose of verifying the accuracy of criminal violation information;

(2) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation; and

(3) Sign an authorization and release form provided by the department or board, authorizing a qualified Tennessee licensed private investigation company by and on behalf of the board to complete a criminal history records check.

(f) As used in this subsection (f), “qualified Tennessee licensed private investigation company” means a company that is licensed by the department of commerce and insurance, insured with at least three million dollars (\$3,000,000) worth of errors and omissions insurance and carries sufficient indemnification coverage.

(g) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting such investigation of an applicant shall be paid by the applicant the first time such applicant applies for a license. The applicant shall be provided a copy of all criminal history records check documentation. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs.

SECTION 4. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following as a new, appropriately designated section:

49-5-__.

(a) Each local board of education or director of schools, as appropriate, shall require all persons applying for a position as a teacher as defined in § 49-5-501, including any former teacher who has retired from teaching service and later

seeks to have such teacher's license renewed and any teacher who was previously employed with a local school system in a jurisdiction not within the state of Tennessee, shall submit to a comprehensive psychological examination to be administered by a licensed psychologist.

(b) All costs incurred by the administration of the required comprehensive psychological examination shall be paid by the applicant. Any local board of education may pay for the examination or reimburse the applicant for the cost of such examination.

SECTION 5. Tennessee Code Annotated, Title 49, is amended by adding the following as a new, appropriately designated section:

49-___. No local school system shall provide on-site housing for any member of such system's staff or personnel.

SECTION 6. Tennessee Code Annotated, Section 49-5-413, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section, a "qualified Tennessee licensed private investigation company" means a company that is licensed by the department of commerce and insurance, insured with at least three million dollars (\$3,000,000) worth of errors and omissions insurance and carries sufficient indemnification coverage.

(b) In addition to the requirements of § 49-5-406, a local board of education shall require any person applying for a position as a teacher and any person applying for any other position requiring proximity to school children to:

(1) Agree to the release of all investigative records to the board for examination for the purpose of verifying the accuracy of criminal violation information as required by § 49-5-406(a)(1)(A);

(2) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation;

(3) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the federal bureau of investigation; and

(4) Sign an authorization and release form provided by the board, authorizing a qualified Tennessee licensed private investigation company by and on behalf of the board to complete a criminal history records check.

(c) A criminal background investigation search performed by a third party should include one (1) or more of the following:

(1) Criminal record history verification;

(2) A social security number verification to determine the identity of the applicant, as well as the last known addresses;

(3) A search against the national want and warrant list for persons who are either wanted, missing or have an outstanding warrant at the local, state or federal level;

(4) Past employment verifications for the last five (5) years;

(5) A search in Tennessee for felony convictions, covering ninety-five (95) counties for the past seven (7) years;

(6) Verification of professional license; or

(7) Verification of highest degree of education obtained.

(d) All costs associated with the provisions of this section shall be paid by the applicant the first time such applicant applies for a position with a local board of education. The applicant shall be provided a copy of all criminal history records check documentation provided to the local board of education to which

the applicant first applies. In lieu of additional criminal history records checks for subsequent applications, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs. Any local board of education may reimburse the applicant for the costs of the investigation if the applicant accepts a position as a teacher or any other position requiring proximity to school children. Any local board of education may establish a policy authorizing payments for investigation of an applicant who provides school maintenance, clean-up, food service and other such functions other than administrative or teaching functions or duties. A local board of education may pay for an investigation of such applicant regardless of whether the applicant accepts an offer for employment with such board of education.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.